

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CARLY BURTON GUNDERSON
Individually and as Administratrix of
the Estate of Luke Burton, deceased,

Plaintiff,

v.

BRIAN CENTER NURSING
CARE/AUSTELL, INC., et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:12-CV-1400-TWT

ORDER

This is a personal injury action. It is before the Court on the Plaintiff's Motion to Remand to State Court [Doc. 3]. The Defendants have failed to carry their burden of showing that the Defendant Brian Center was fraudulently joined. There is no diversity or federal question jurisdiction. The Plaintiff's Motion to Remand to State Court [Doc. 3] is GRANTED. This action is REMANDED to the State Court of DeKalb County. The Motion for Attorney Fees [Doc. 4] is DENIED.

SO ORDERED, this 14 day of June, 2012.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge